

JOEL A. ACKERMAN
JA 4027

XCA-155298-1/trf
ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Secured Creditor
NVE Bank
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IN RE:	:	UNITED STATES BANKRUPTCY COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	CHAPTER 13
	:	CASE NO. 13-24151-DHS
Leonor Ordaz	:	
Debtor	:	AMENDED OBJECTION TO PLAN
	:	(CONFIRMATION HEARING DATE:
		September 25, 2013 @ 9:00am)
	:	

The undersigned, ZUCKER, GOLDBERG & ACKERMAN, LLC, attorneys for Secured Creditor NVE Bank, the holder of a Mortgage on the debtor premises at 521 Tenafly Road, Englewood, NJ 07631, in addition to the objections set forth in its original Notice of Objection hereby further objects to the provision in the Chapter 13 plan that fixes the monthly mortgage payment outside the plan. The normal servicing of the debtor's loan will call for the post-petition mortgage payment to be adjusted. The debtor's plan makes no provision for this adjustment in violation of 11 U.S.C. 1322 (b) (2).

The bar date for filing proofs of claim is November 4, 2013. The Secured Creditor has not yet filed its proof of claim but intends to do so evidencing a pre-petition arrearage of approximately or in excess of \$103,093.07. The Debtor's plan makes no provisions for the payment of that claim or for the surrender to the Secured Creditor of the collateral securing said claim in violation of 11 U.S.C. 1325 (a) (b) and (c).

Further, the debtor's plan calls for the "restructuring" of the mortgage, but does not provide a proposed date for completion of said "restructuring". The restructuring is remote and speculative. The Debtor cannot restructure the loan without the consent of the Secured Creditor. Therefore, the plan cannot be confirmed unless and until the restructuring (or loan modification) is agreed to and ultimately approved by the Court.

ZUCKER, GOLDBERG & ACKERMAN, LLC
ATTORNEYS FOR SECURED CREDITOR

/s/ JOEL A. ACKERMAN
JOEL A. ACKERMAN
MEMBER OF THE FIRM

DATED: September 24, 2013

***THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.***
